(18)

No. 05-669
Title: BP America Production Company, Successor in Interest to Amoco Production Company, et al., Petitioners

v.

Rejane Burton, Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, et al.

Docketed: November 25, 2005
Lower Ct: United States Court of Appeals for the District of Columbia Circuit
Case Nos.: (04-5006, 04-5007)
Decision Date: June 10, 2005
Rehearing Denied: August 24, 2005
Questions Presented

~~Date~~	~~~~~~~~Proceedings and Orders~~~~~~~~~~~~~~~~~~~~~~
Nov 22 2005	Petition for a writ of certiorari filed. (Response due December 27, 2005)
Dec 16 2005	Order extending time to file response to petition to and including January 26, 2006.
Jan 19 2006	Order further extending time to file response to petition to and including February 27, 2006.
Feb 23 2006	Order further extending time to file response to petition to and including March 13, 2006.
Mar 13 2006	Brief of respondents Rejane Burton, Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, et al. filed.
Mar 13 2006	Brief amicus curiae of Jicarilla Apache Nation on statute of limitations question only filed.
Mar 27 2006	Reply of petitioners BP America Production Company, Successor in Interest to Amoco Production Company, et al. filed.
Mar 29 2006	DISTRIBUTED for Conference of April 14, 2006.
Apr 17 2006	Petition GRANTED limited to Question 2 presented by the petition. The Chief Justice and Justice Breyer took no part in the consideration or decision of this petition.
May 8 2006	Extension of time within which to file the joint appendix and petitioners' brief on the merits to and including June 13, 2006.
May 19 2006	Consent to the filing of amicus briefs in support of either party received from counsel for petitioners.
Jun 13 2006	Joint appendix filed.
Jun 13 2006	Brief of petitioners BP America Production Company, Successor in Interest to Amoco Production Company, et al. filed.
Jun 13 2006	Brief amicus curiae of Mountain States Legal Foundation filed.
Jun 13 2006	Brief amicus curiae of American Petroleum Institute filed.
Jul 14 2006	Extension of time within which to file respondent's brief on the merits to and including August 4, 2006.
Jul 14 2006	SET FOR ARGUMENT on Wednesday, October 4, 2006.
Jul 25 2006	CIRCULATED.
Aug 2 2006	Record received from U.S.C.A. for D.C. Circuit. (1 box)
Aug 4 2006	Brief of respondents Rejane Burton, Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, et al. filed. (Distributed)
Aug 4 2006	Brief amici curiae of Jicarilla Apache Nation,et al. filed. (Distributed)

Aug 4 2006	Record received from U.S.D.C. for District of Columbia. (2 boxes)
Sep 7 2006	Reply of petitioners BP America Production Company, Successor in Interest to Amoco Production Company, et al. filed. (Distributed)
Oct 4 2006	Argued. For petitioners: Jeffrey A. Lamken, Washington, D.C. For respondents: Daryl Joseffer, Assistant to the Solicitor General, Department of Justice, Washington, D.C.
Oct 4 2006	Joint Lodging received. (Distributed).
Oct 5 2006	Lodging consisting of requested sample issue letters received from the Solicitor General. (Distributed).

No. 05-705

Title: Global Crossing Telecommunications, Inc., Petitioner
v.
Metrophones Telecommunications, Inc.

Docketed: December 2, 2005
Lower Ct: United States Court of Appeals for the Ninth Circuit
Case Nos.: (04-35287)
Decision Date: September 8, 2005

Questions Presented

Date	Proceedings and Orders
Nov 25 2005	Petition for a writ of certiorari filed. (Response due January 3, 2006)
Jan 3 2006	Brief of respondent Metrophones Telecommunications, Inc. in opposition filed.
Jan 11 2006	Reply of petitioner Global Crossing Telecommunications, Inc. filed.
Jan 18 2006	DISTRIBUTED for Conference of February 17, 2006.
Feb 21 2006	Petition GRANTED limited to Question 1 presented by the petition.
Mar 20 2006	Extension of time within which to file the joint appendix and petitioner's brief on the merits to and including May 22, 2006.
May 19 2006	Joint appendix filed.
May 22 2006	Brief of petitioner Global Crossing Telecommunications, Inc. filed.
May 22 2006	Brief amicus curiae of AT&T filed.
May 22 2006	Brief amicus curiae of Sprint Communications Company LP filed.
Jun 5 2006	Extension of time within which to file respondent's brief on the merits to and including July 26, 2006.
Jul 14 2006	SET FOR ARGUMENT on Tuesday, October 10, 2006.
Jul 17 2006	CIRCULATED.
Jul 26 2006	Brief of respondent Metrophones Telecommunications, Inc. filed. (Distributed)
Jul 26 2006	Brief amicus curiae of the United Statesl filed. (Distributed).
Jul 27 2006	Record received from U.S.C.A. for the 9th Circuit. (1 envelope)
Jul 27 2006	U.S.D.C. for the Western District of Washington is electronically filed (no hard copy).
Aug 8 2006	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument filed.
Aug 14 2006	SET FOR ARGUMENT on Tuesday, October 10, 2006.
Aug 30 2006	Reply of petitioner Global Crossing Telecommunications, Inc. filed. (Distributed)
Sep 1 2006	Motion of the Solicitor General for leave to participate in oral argument as amicus curiae and for divided argument GRANTED.
Sep 26 2006	Supplemental brief of respondent Metrophones Telecommunications, Inc. filed. (Distributed)
Oct 10 2006	Argued. For petitioner: Jeffrey L. Fisher, Stanford, Cal. For respondent: Roy T. Englert, Jr., Washington, D.C.; and James A. Feldman, Assistant to the Solicitor Generl, Department of Justice, Washington, D.C. (for United States, as amicus curiae.)

Name	Address	Phone

Supreme Court, U.S.
FILED

No. 05-669

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IN THE

Supreme Court of the United States

BP AMERICA PRODUCTION COMPANY AND
ATLANTIC RICHFIELD COMPANY,
Petitioners,

v.

REBECCA W. WATSON,
ASSISTANT SECRETARY OF THE INTERIOR FOR LAND
AND MINERAL MANAGEMENT, *et al.*,
Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the District of Columbia Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

The Mineral Leasing Act of 1920 ("MLA"), 41 Stat. 437, codified as 30 U.S.C. § 181 *et. seq.*, provides for the payment of royalties on oil and gas from federal leases based on the "value of production removed or sold from the lease." 30 U.S.C. § 226(b)(1)(a). This case concerns the proper construction of that provision and the agency regulations promulgated thereunder. It also concerns the scope of the statute of limitations codified at 28 U.S.C. § 2415(a), which applies to "every action for money damages brought by the United States or an officer or agency thereof which is founded upon any contract * * * ."

The questions presented are:

1. Whether the MLA, or the agency regulations promulgated thereunder, require lessors to pay royalties based on the value of production as determined at the leasehold location of production, or instead based on the enhanced value of production after it has been transported away from the lease and conditioned to a higher quality at off-lease treatment plants.

2. Whether—contrary to the decision below but consistent with decisions of the Tenth and Federal Circuits—the limitations period in 28 U.S.C. § 2415(a) applies to federal agency orders requiring the payment of money claimed under a lease or other agreement.

LIST OF PARTIES AND PARTIES TO THE PROCEEDINGS BELOW

Petitioner BP America Production Company is the successor in interest to Amoco Production Company and Vastar Resources, Incorporated. Petitioner Atlantic Richfield Company, along with Amoco Production Company and Vastar Resources, Incorporated, were appellants in the court of appeals and plaintiffs in the district court.

Respondents are Rebecca W. Watson, in her capacity as Assistant Secretary of the Interior; Gale A. Norton, in her capacity as Secretary of the Interior; Southern Ute Indian Tribe; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; Burlington Resources Inc.; Steve Westly, in his capacity as California State Controller; Jicarilla Apache Nation; the State of Colorado; and the State of New Mexico.

Respondent Norton was an appellee in the court of appeals and a defendant in the district court. She is the successor to Bruce Babbitt, who was also a defendant in the district court. Respondent Watson was an appellee in the court of appeals. She is the successor to Wallace P. DeWitt, who was a defendant in the district court. Assistant Secretary DeWitt was the successor to Sylvia V. Baca, who was also a defendant in the district court.

Respondent Southern Ute Indian Tribe was an intervenor supporting appellees in the court of appeals and an intervenor supporting defendants in the district court. Respondents Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation; Burlington Resources Inc.; Steve Westly, in his capacity as California State Controller; Jicarilla Apache Nation; the State of Colorado; and the State of New Mexico, by and through the State of New Mexico Office of the Attorney General, were all intervenors supporting appellees in the court of appeals.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6 of the Rules of this Court, petitioners BP America Production Company and Atlantic Richfield Company state the following:

On December 31, 2001, Amoco Production Company and Vastar Resources, Inc. merged and formed BP America Production Company. BP America Production Company is wholly owned by BP Company North America Inc. BP Company North America Inc. is wholly owned by BP Corporation North America Inc. BP Corporation North America Inc. is wholly owned by BP America Inc. Atlantic Richfield Company is wholly owned by BP America Inc.

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